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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,551	12/20/2000	Michael Frendo	CSCO-70364	8936

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EXAMINER

KE, PENG

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/742,551	Applicant(s) FREND O ET AL.	
	Examiner Peng Ke	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/09/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11, 13, 15-17, 21, 23-26, 28-40, 42 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13, 15-17, 21, 23-26, 28-40 and 42-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2174

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 08/09/04.

This action is final.

Claims 1-4, 6-11, 13, 15-17, 21, 23-26, 28-40 and 42-43 are pending in this application. Claims 1, 8, 15, 23, 30, and 37 are independent claims. In the Amendment, filed on 08/09/04, claims 1, 2, 7-10, 13, 15, 16, 21, 23, 24, 29-31, 36-38 and 43 were amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4, 6-11, 13, 15-17, 21, 23-26, 28-40, 42, and 43 rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli (US 6,061,719) further in view of Moraes (US 6,014,502).

1. (Currently Amended) Bendinelli et al. teaches a method for providing a user with Web-based information associated with program content viewable on a television, said method comprising:

- a) receiving said program content from a broadcaster (col. 3, lines 12-35);
- b) receiving from said broadcaster a data stream comprising a set of Uniform Resource Locators (URLs) identifying Web sites associated with said program content (col. 3, lines 12-35);

wherein said program content is displayed on said television and Web-based information identified by said one or more URLs is separately displayed on said computer system (col. 5, lines 57-68).

However, Bendinelli fails to teach

c) directing said set of URLs received from said broadcaster to a computer system and directing said program content received from said broadcaster to said television, wherein said computer system uses information in a user profile to screen said set of URLs and to select from said set of URLs one or more URLs of particular interest to a user, said computer system storing said one or more URLs separately from said program content, wherein said one or more URLs are retrievable independent of said program content;

and said user profile comprising user inputs that identify characteristics of Web-based information said user is interested in, said user inputs deliberately generated and maintained by said user so that said web-based information of interest to said user is provided to said user.

Moraes teaches a method wherein:

a computer system uses information in a user profile to screen a set of URLs and to select from said set of URLs one or more URLs of particular interest to a user, said computer system storing said one or more URLs separately from said program content, wherein said one or more URLs are retrievable independent of said program content (col. 19, lines 9-29, col. 20, lines 46-56).

and said user profile comprising user inputs that identify characteristics of Web-based information said user is interested in, said user inputs deliberately generated and maintained by said user so that said web-based information of interest to said user is provided to said user (col.

Art Unit: 2174

12, lines 22-58; Examiner interprets allowing user to update of hi profile at will to be allowing user to maintain his web-based information).

It would have been obvious to an artisan at the time of the invention to include Moraes' teaching with the method of Bendinelli in order to provide users with URLs of their interests with out user looking for them online.

As per claim 2, Bendinelli and Moraes teach (Currently Amended) the method as recited in Claim 1, Moraes further teaches wherein said step c) further comprises said computer system:

c1) comparing characteristics describing each URL in of said set of URLs with user-specified characteristics in said user profile (col. 19, lines 9-29);

c2) identifying a subset of said set of URLs, said subset satisfying said user-specified characteristics (col. 19, lines 9-29); and

c3) storing said subset of URLs but not the entire said set of URLs (col. 20, lines 46-56).

As per claim 3, Bendinelli and Moraes teach (Currently Amended) the method as recited in Claim 2, Moraes further teaches the method comprising:

monitoring URLs selected by said user (col. 19, lines 9-29); and

adding characteristics describing said URLs selected by said user to said user profile (col. 19, lines 9-29).

As per claim 4, Bendinelli and Moraes teach (Original) the method as recited in Claim 1, Bendinelli further teaches wherein said data stream comprising said set of URLs is embedded in said program content (col. 5, line 56-68).

As per claim 6, Bendinelli and Moraes teach (Currently Amended) the method as recited in Claim 1, Bendinelli further teaches a method comprising:

Art Unit: 2174

e) receiving a command for performing a function from a remote device via the Internet (col. 5, line 47-58).

As per claim 7, Bendinelli and Moraes teach (Currently Amended) the method as recited in Claim 1, Bendinelli further teaches a method wherein said Web-based information comprises Web pages corresponding to said one or more URLs (col. 5, line 56-68).

As per claim 8, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 9, which is dependent on claim 8, it is of the same scope as claim 2 (see rejection above).

As per claim 10, which is dependent on claim 8, it is of the same scope as claim 2 (see rejection above)

As per claim 11, which is dependent on claim 9, it is of the same scope as claim 3. (see rejection above) .

As per claim 13, Bendinelli and Moreas teach (Currently Amended) the method as recited in Claim 8, Bendinelli further teaches wherein:

said one or more URLs are communicated from said server computer system to said computer system via said set top box that (col. 5, lines 7-32).

As per claim 15, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 16, which is dependent on claim 15, it is of the same scope as claim 2. (see rejection above)

As per claim 17, which is dependent on claim 16, it is of the same scope as claim 3. (see rejection above)

Art Unit: 2174

As per claim 21, which is dependent on claim 15, it is of the same scope as claim 4. (see rejection above)

As per claim 23, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 24, which is dependent on claim 23, it is of the same scope as claim 2. (see rejection above)

As per claim 25, which is dependent on claim 23, it is of the same scope as claim 3. (see rejection above)

As per claim 26, which is dependent on claim 23, it is of the same scope as claim 4. (see rejection above)

As per claim 28, which is dependent on claim 23, it is of the same scope as claim 6. (see rejection above)

As per claim 29, which is dependent on claim 23, it is of the same scope as claim 7. (see rejection above)

As per claim 30, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 31, which is dependent on claim 30, it is of the same scope as claim 2. (see rejection above)

As per claim 32, which is dependent on claim 31, it is of the same scope as claim 3. (see rejection above)

As per claim 33, which is dependent on claim 30, it is of the same scope as claim 4. (see rejection above)

Art Unit: 2174

As per claim 34, Bendinelli and Moreas teach the computer-usable medium of claim 30, Bendinelli further teaches wherein said data stream comprising said set of URLs is received from a remote device via the Internet (col. 6, lines 12-30).

As per claim 35, which is dependent on claim 30, it is of the same scope as claim 6. (see rejection above)

As per claim 36, which is dependent on claim 30, it is of the same scope as claim 7. (see rejection above)

As per claim 37, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 38, which is dependent on claim 37, it is of the same scope as claim 2. (see rejection above)

As per claim 39, which is dependent on claim 37, it is of the same scope as claim 3. (see rejection above)

As per claim 40, which is dependent on claim 37, it is of the same scope as claim 4. (see rejection above)

As per claim 42, which is dependent on claim 37, it is of the same scope as claim 6. (see rejection above)

As per claim 43, which is dependent on claim 37, it is of the same scope as claim 7. (see rejection above)

Response to Argument

Applicant's arguments filed on 08/09/04 have been fully considered but they are not persuasive.

Applicant argues that Moraes does not show or suggest that user has the degree of control over which URLs he/she is to receive as that provided in accordance with the embodiments of the present invention.

Examiner disagrees. Moraes teaches allowing a user to set up his/her profile with a set of questions in a survey format. (col. 12, lines 23-58) The answers to the questions are deliberately given by the user. Furthermore, Moraes also gives the user the option of changing his/her profile later on (col. 12, lines 445-58), and this option provides the user with the ability to deliberately maintain his/her user profile.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

Art Unit: 2174

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

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